SINGLE BENCH

CF 1002-

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION [S] NO. 5667 /2006

PETITIONER :- Smt. Pushplata Giri Goswami widow of late Dashrath Giri Goswami, aged about 35 years, resident of village – Fingeshwar, Post Fingeshwar, P.S. Rajim, Tahsil Gariyaband, District Raipur [C.G.].

P.R. No. S 6776 Presented by V.K. Pandey 11/10/06

VERSUS

RESPONDENTS :-

1] Union of India, Through – The Secretary, Department of Personal Training and Public Grievances, Shastri Marg, New Delhi.

2] State of Chhattisgarh, Through – The Secretary, Department of Energy, D.K.S. Bhavan, Raipur [C.G.]

3] State of Madhya-Pradesh, Through The Secretary, Department of Energy, Vallabh Bhavan, Bhopal [M.P.].

4] Chhattisgarh State Electricity Board, Through its Chairman, Headquarter, Raipur [C.G.]

5] The Superintendent Engineer, C.S.E.B. Raipur [C.G.].

6] The Additional Superintendent Engineer, C.S.E.B. Mahasamund [C.G.].

RLE Photocopy 11/10/06 Clerk THAKUR VIJAY SINGH Asst. Solicitor General of India CHHATTISGARH HIGH COURT High Court Campus, Bilaspur (C.G.)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(23)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 5667 of 2006

Petitioner: Smt. Pushplata Giri Goswami

Versus

Respondents: Union of India & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri V. K. Pandey, Advocate for the petitioner.

Shri Rajnish Shrivastava, Advocate for the Respondent No.1.

Miss Deepali Pandey, Panel lawyer for the Respondent No.2.

ORDER

(30th October, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The husband of the petitioner while working as Assistant Lineman at Saraipali, District- Mahasamund, in the present Chhattisgarh State Electricity Board No.5 died in harness on 27.10.2000. The petitioner, being wife of late Shri Dashrath Giri Goswami moved an application seeking compassionate appointment to the respondent No.6 which was forwarded to the respondent No.5 on 20.11.2000 (Annexure P/2).
2. After creation of the Chhattisgarh State Electricity Board it has issued the policy of compassionate appointment dated 28.2.2004 wherein it is provided that compassionate appointment would not be provided to the family members of the person who died before 14.11.2000.
3. It appears that after making the application for compassionate appointment the petitioner did not do anything i.e. no efforts were made by her and the instant petition has been filed on 11.10.2006. It is well settled principle that a belated petition should not be entertained if the petitioner has failed to explain inordinate delay. During this period the place, if any, which was vacant, might have been filled up and several persons must have settled their rights. It is well settled that the appointment on compassionate ground is not a method of recruitment, but, is a facility to provide for immediate rehabilitation of the family in distress for relieving the

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dependent family members of the deceased employee from destitution. In other words, the object of compassionate appointment is to enable penurious family to tide over the sudden financial crisis and is not to provide employment. It is also well settled that mere death of the employee does not entitle his family to claim compassionate appointment if the family members could sustain themselves financially from other sources of income.

4. In **Haryana State Electricity Board and another Vs. Hakim Singh**[1], an employee died in harness leaving behind him a minor son. As per the compassionate appointment scheme, three years' limitation after attaining majority was prescribed. The minor son made an application beyond the stipulated time. The High Court's interpretation of the phrase "three years time for making such request in case of minors" as "in case of minors the period of three years would be applicable from the date he becomes major" was set aside by the Supreme Court on challenge. The Supreme Court held that if the family members of the deceased employee can manage for 14 years after his death, one of his legal heirs cannot put forward a claim as though it is line of succession by virtue of a right of inheritance. The whole object of any compassionate appointment scheme is to give succor to the family to tide over the sudden financial crisis befallen the dependents on account of the untimely demise of its sole earning member.
5. After a period of about 6 years, this petition has been filed on 11.10.2006. The petitioner has not made out any case for condonation of such a long delay in not filing the petition or not moving the competent authority for grant of compassionate appointment.
6. This petition is devoid of merit. Accordingly the petition is dismissed.

Sd/-
Satish K. Agnihotri
Judge

{ (1997) 8 SCC 85[1]}

Thakur